

Methods of Work of the Special Rapporteur on torture¹

1. The Special Rapporteur's methods of work are based on his mandate as stipulated originally in Commission on Human Rights resolution 1985/33 and as developed by the Commission in numerous further resolutions. The parameters of his work are set forth in the International Bill of Human Rights and other United Nations instruments containing provisions that guarantee the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment.
2. The Special Rapporteur carries out the following main types of activity:
 - (a) Seeking and receiving credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;
 - (b) Making urgent appeals to Governments to clarify the situation of individuals whose circumstances give grounds to fear that treatment falling within the Special Rapporteur's mandate might occur or be occurring;
 - (c) Transmitting to Governments information of the sort mentioned in (a) above indicating that acts falling within his mandate may have occurred or that legal or administrative measures are needed to prevent the occurrence of such acts;
 - (d) carrying out visits in situ with the consent of the Government concerned.
3. An urgent appeal is made on the basis of information received by the Special Rapporteur expressing concern about the fact that a person is at risk of being subjected to torture. Such concern may be based, inter alia, on accounts by witnesses of the person's physical condition while in detention, or on the fact that the person is kept incommunicado, a situation which may be conducive to torture. The Special Rapporteur, when making a determination as to whether there are reasonable grounds to believe that an identifiable risk of torture exists, takes into account a number of factors, any one of which may be sufficient, though generally more than one will be present. These factors include: (a) the previous reliability of the source of information; (b) the internal consistency of the information; (c) the consistency of the information with information on other cases from the country in question that has come to the Special Rapporteur's attention; (d) the existence of authoritative reports of torture practices from national sources, such as official commissions of inquiry; (e) the findings of other international bodies, such as those established in the framework of the United Nations human rights machinery; (f) the existence of national legislation, such as that permitting prolonged incommunicado detention, that can have the effect of facilitating torture; and (g) the threat of extradition or deportation, directly or indirectly, to a State or territory where one or more of the above elements are present.
4. The urgent appeal procedure is not per se accusatory, but essentially preventive in nature and purpose. The Government concerned is merely requested to look into the matter and to take steps aimed at protecting the right to physical and mental integrity of the person concerned, in accordance with the international human rights standards.
5. In view of the fact that the urgent appeal contains information that is extremely time-sensitive, the appeal is addressed directly to the foreign affairs ministry or department of the country concerned.
6. The Special Rapporteur, where appropriate, sends urgent appeals jointly with other organs of the United Nations human rights machinery.
7. The Special Rapporteur transmits to Governments summaries of all credible and reliable information addressed to him alleging individual cases as well as practices of torture. At the same time he requests the Governments to look into those allegations and to provide him with relevant information on them. In addition, the Special Rapporteur urges Governments to take steps to investigate the allegations; to prosecute and impose appropriate sanctions on any persons guilty of torture regardless of any rank, office or position they may hold; to take effective measures to prevent the recurrence of such acts; and to compensate the victims or their relatives in accordance with the relevant international standards.

¹ Annex to E/CN.4/1997/7, approved by the Commission in resolution 2001/62 (E/CN.4/RES/2001, para. 30).

8. The Special Rapporteur analyses responses from Governments and transmits the contents to the sources of the allegations, as appropriate, for comment. If required, dialogue with the Government is then pursued further.

9. The Special Rapporteur does, where appropriate, acknowledge the existence of persistent acts of violence, including torture, committed by armed groups when these are brought to his attention. However, in transmitting allegations of torture he deals exclusively with Governments, as the authorities bound by the regime for the international legal protection of human rights.

10. The Special Rapporteur maintains contact and, where appropriate, engages in consultation with related bodies and mechanisms of the United Nations human rights machinery, such as the Committee against Torture and other organs of the Commission on Human Rights, the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and the Commission on Crime Prevention and Criminal Justice.

11. The Special Rapporteur does not, as a rule, seek to visit a country in respect of which the United Nations has established a country-specific mechanism such as a special rapporteur on the country, unless a joint visit seems to both to be indicated. As regards countries where the mandates of other thematic mechanisms may also be affected, he seeks consultation with them with a view to exploring with the Government in question, either jointly or in parallel, the possibility of a joint visit. Similarly, where the Committee against Torture is considering the situation in a country under article 20 of the Convention against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment, especially if that consideration involves a visit or possible visit to the country in question, the Special Rapporteur does not seek a visit.

12. The Special Rapporteur carries out visits to countries on invitation, but also takes the initiative of approaching Governments with a view to carrying out visits to countries on which he has received information indicating the existence of a significant incidence of torture. Such visits allow the Special Rapporteur to gain more direct knowledge of cases and situations falling within his mandate, and are intended to enhance the dialogue between the Special Rapporteur and the authorities most directly concerned, as well as with the alleged victims, their families and their representatives and concerned non-governmental organizations. The visits also allow the Special Rapporteur to address detailed recommendations to Governments.

13. With regard to countries in which visits have been carried out, the Special Rapporteur periodically reminds Governments concerned of the observations and recommendations formulated in the respective reports, requesting information on the consideration given to them and the steps taken for their implementation, or the constraints which might have prevented their implementation.

14. The Special Rapporteur reports annually to the Commission on Human Rights on the activities which he has undertaken since the Commission's previous session. He may also make observations on specific situations, as well as conclusions and recommendations, where appropriate.